

Regular Session, 2013

HOUSE BILL NO. 125

BY REPRESENTATIVE SHADOIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SUCCESSIONS: Provides with respect to usufruct of a surviving spouse

1 AN ACT

2 To amend and reenact Civil Code Article 890, relative to successions; to provide for
3 usufruct of a surviving spouse; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Article 890 is hereby amended and reenacted to read as
6 follows:

7 Art. 890. Usufruct of surviving spouse

8 If the deceased spouse is survived by descendants, the surviving spouse shall
9 have a usufruct over the decedent's share of the community property to the extent
10 that the decedent has not disposed of it by testament. This usufruct terminates when
11 the surviving spouse dies or remarries, ~~whichever occurs first.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Shadoin

HB No. 125

Abstract: Provides for the termination of usufruct of a surviving spouse upon death or remarriage.

Present law grants a usufruct to the surviving spouse over the decedent's share of community property when the decedent has not disposed of the property by testament. Provides that the usufruct terminates when the surviving spouse dies or remarries, whichever occurs first.

Proposed law retains present law except it deletes the unnecessary phrase "whichever occurs first."

(Amends C.C. Art. 890)